

*REMARKS*

The Office Action dated July 6, 2005 has been carefully considered. By way of this amendment, Applicant has amended claim 26 to incorporate the subject of claim 35 and therefore has canceled claim 35. Claim 42 has also separately been amended for proper antecedent basis reasons. Upon entry of the amendment, claims 26-34 and 36-42 will remain in the application.<sup>1</sup> Applicant respectfully requests reexamination and reconsideration in view of the foregoing amendments and the following remarks.

In short, the Moline reference which has been asserted to be anticipatory, discloses a solid product retainer in which sides 60 and 62 are permanently and irremovably attached to the front panel 28 (see e.g. FIG. 1 of Moline showing a single solid and unitary component). In contrast, claim 37 recites a product retainer and a pair of sides in which during the "unlocked position" the product retainer (which extends laterally between the sides) is moveable relative to the sides (see paragraph dealing with the "lock"). Accordingly, claim 37 cannot be anticipated, nor can claim 38 which further defines that the product retainer is pivoted relative to the sides. The present invention is thus substantially different by providing a separate product retainer that is moveable relative to the sides as set forth in claims 37 and 38, rather than a single unitary one-piece box-like structure as is disclosed in the Moline reference.

Along similar but not identical lines, claim 35 recites an integrated lock in which a stop is defined by one of the sides in which the keyed mechanism is carried by the product retainer. In contrast, the Moline reference teaches a padlock mounted to one of the peg hooks, not even carried by or mounted to the lock bar assembly. Since the sides 60, 62 of the Moline reference are permanently affixed to the front panel 28, there would be no way to modify the Moline reference anyhow to achieve such a structure and still get yet the same performance without substantially changing the Moline reference and using improper hindsight in view of Applicant's disclosure. Accordingly, it is submitted that claim 26 which now incorporates a subject of claim 35 as previously presented should also be in condition for allowance.

Applicant is hopeful that the appeal process can be averted and that a Notice of Allowance will be forthcoming. Anticipation is a very narrow doctrine which is not

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<sup>1</sup> Applicant believes that entry of the amendment would narrow the issues for appeal, if it does not put the case in condition for allowance. Therefore, it is believed the amendment is proper and should be entered.

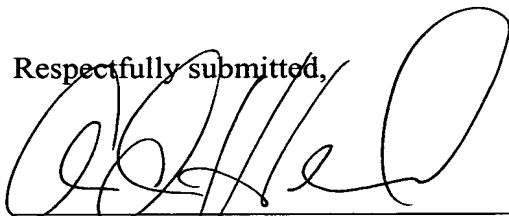
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applicable here to the claims as amended. Should a Notice of Allowance not be in order, the claims are narrowed for appeal and no new issues have been presented because previously presented claim 35 has merely been incorporated into claim 26 (which also narrows the issues for appeal). Therefore entry of the amendment is proper and respectfully solicited.

*CONCLUSION*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AJH', is written over a horizontal line.

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